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ABSTRACT

Guidelines relating to the affirmative action program of the Ventura County Community College District are provided in this manual. Affirmative action is defined as, "A set of specific and result-oriented procedures to which a contractor commits himself/herself to apply every good faith effort. The objective of those procedures, plus such efforts, is equal employment opportunity." The chapters of the manual are: 1. Introduction II. Definition of Terms; III. Policy Statements, Objectives, Timetables; IV. Duties and Responsibilities of the Affirmative Action Officer; V. Procedural Implementation Relating to Personnel Practices--(A). Classified, (B). Certificated, and (C). Student; and VI. Contract Compliance Guidelines for Contractors--(A). Federal Funds, (B). State Funds, and (C). District Funds. Appendixes provide: Channels of Recruitment; Statement Required of District Contractors Under Section 1735 of the California Labor Code; Advisory Committee Charges. (Four appendixes--Exhibits; Contractor Evaluation Checklist; Title VI and Title VII Fair Employment Practices Act; and Supreme Court Decision--were deleted due to marginal reproducibility.) (DB)

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AFFIRMATIVE ACTION PROGRAM MANUAL

Approved and Certified by The Board of Trustees
June 19, 1973

Approved by County Counsel
July 20, 1973

JC 740 014

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
DISTRICT ADMINISTRATION CENTER
71 DAY ROAD
VENTURA, CALIFORNIA 93003

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* * *

Inquiries and correspondence may be directed to the Affirmative Action Officer.

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PREFACE

The Board of Trustees of the Ventura County Community College District, realizing the constitutionality and legal validity of affirmative action programs, has adopted an Affirmative Action Program as the best means of ensuring equal employment opportunity for all qualified applicants including ethnic minorities, women, racial, religious, and other affected classes as defined by the Federal Government.

In implementing the Ventura County Community College District's Affirmative Action Program, the Board of Trustees has carefully adhered to various Federal and State guidelines in providing for the administration of its Affirmative Action Program.

It is the intention of the Board of Trustees to achieve the goals or timetable(s) for the employment of women and ethnic minorities and to show good faith efforts in their implementation including an annual review and updating of pertinent sections as new Federal guidelines may become available.

Finally, to ensure equal employment opportunity, it is the intention of the Board of Trustees that affirmative action will be carried out at all levels of the Ventura County Community College District's organizational structure and will be a primary consideration with respect to all aspects of personnel policy and practice, as well as to the District's contractual obligations with construction, supply and/or service contracts.

CHAPTER I

INTRODUCTION

The Ventura County Community College District's Affirmative Action Program has been made possible through the joint efforts of the District and the community and through consultations with the appropriate Federal and State agencies.

During the planning stages of this program, the District contacted several community college districts to obtain information on their progress in developing affirmative action programs. Also contacted were Federal and State agencies such as the Civil Rights Office in San Francisco. In addition, there was communication with the California Fair Employment Practices Commission (FEPC). Upon invitation by the District, the FEPC representative met with the District staff to discuss this plan.

All working drafts of the Manual were prepared through the combined efforts of the District and college staffs in cooperation with members of the District Advisory Committee on Minority Problems, Committee on the Status of Women, and the District Council. The final draft of the Manual was based on the two 1971-72 pioneering working drafts and the 1972-73 guidelines for the President's Executive Order 11246.

Affirmative Action, as a concept, is an outgrowth of the Civil Rights Movement of the 1960's. It became a legally recognized principle and approach to achieving equal employment opportunity upon the issuance of Executive Order 11246 by the President of the United States.

There are five main bodies from which the principle of affirmative action derives its legal foundations. These are executive orders, federal laws, institutional guidelines, judicial decisions, and state laws.

Executive Order 11246 as amended, requires of contractors not to discriminate against any employee or applicant for employment. It also requires them to "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex, or national origin." It further requires that such action shall include, but not be limited to, employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, compensation, and selection for training including apprenticeship.

In keeping with the intent of this law, the U. S. Department of Labor (DOL) issued rules and regulations which are spelled out in what is known as "Revised Order No. 4." In it DOL defines the term "affirmative action" and stipulates that "goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies." It also stipulates that "where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women. Such goals and timetables, with supporting data and the analysis thereof, shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor." (emphasis supplied)

Affirmative Action finds support in statutory law. The Civil Rights Act of 1964 as amended is, in fact, the basis of all subsequent presidential edicts requiring the institution of affirmative action programs. The provisions relating to affirmative action are found in Title VI and Title VII of this Act. In the "Equal Employment Opportunity Act of 1972," this Act was amended by eliminating the pre-existing exemption of educational institutions from coverage under the provision of Title VII. In the new law, the Equal Employment Opportunity Commission is empowered to institute proceedings against any employer with 15 or more employees. The Office for Civil Rights of the Department of Health, Education, and Welfare has also concurrent jurisdiction under Title VII over educational institutions.

In California, affirmative action was enacted into law in the Fair Employment Practices Act of 1959 as amended in 1967. The Board of Governors of the California Community Colleges issued, on April 29, 1969, a suggested statement of an outline of an affirmative action program. On September 16, 1971, the Board of Governors issued a "Statement of Policy on Minority Personnel Practices." In Ventura County, the Board of Trustees of the Ventura County Community College District created, on September 16, 1969, a citizens advisory committee known as the "District Advisory Committee on Minority Problems." As a result of the Committee's recommendation to the Board, the Office of Affirmative Action was created. The Board of Trustees passed an administrative ruling on March 3, 1970, which stated that, "In carrying out the Board's employment policy, the immediate objective of the administration and faculty is to recruit, employ, and retain a certificated staff which in its membership closely approximates the racial composition which exists in the population of the College District."

In October, 1972, the Board of Trustees created a citizens advisory committee on the Status of Women, whose function is to advise the District concerning the needs and concerns of women students, staff members, and community residents.

Affirmative Action, both as a concept and as a principle of law, has been contested in the Courts. The roster of precedent-setting cases is too numerous to be discussed here in detail. Suffice it to say, as Chief Justice Warren Burger ruled in the Griggs' case, Congress requires the "removal of artificial, arbitrary and unnecessary barriers to employment when the barriers operate invidiously

to discriminate on the basis of racial or other impermissible classification." He also ruled that "Congress has not commanded that the less qualified be preferred over the better qualified simply because of minority origins. Far from disparaging job qualification as such, Congress has made such qualifications the controlling factor, so that race, religion, nationality, and sex become irrelevant. What Congress has commanded is that any tests used must measure the person for the job and not the person in the abstract." He further ruled that "The Act [Civil Rights Act of 1964 as amended] proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation." "The touchstone," he declared, "is business necessity." However, he further declared, that the "Act [Civil Rights Act of 1964 as amended] does not command that any person be hired simply because he was formerly the subject of discrimination or because he is a member of a minority group. Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed." "But," he added, "Congress directed the thrust of the Act to the consequences of employment practices, not simply motivation. More than that, Congress has placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question." (See Appendix H.)

CHAPTER II

DEFINITION OF TERMS

The following are the official definition of terms used in this Manual. New terms may be added as they come into use.

1. Administrative Personnel - Any administrative position requiring a California Community Colleges administrative credential, including Superintendent, Presidents, and deans.

2. Affirmative Action - A set of specific and result-oriented procedures to which a contractor commits himself/herself to apply every good faith effort. The objective of those procedures, plus such efforts, is equal employment opportunity.

3. Age - The age group by which the equal opportunity provision of the District shall apply in its hiring shall be from age 16 through 65 years old.

4. Board of Trustees - The Ventura County Community College District's governing board.

5. Certificated Personnel - Any employee of the District who is required to have a State credential for the position held. For purposes of this Manual, certificated personnel includes those who are employed either full-time or part-time.

6. Certificated Contract - The document signed by the certificated employee at the time he or she is offered a contract.

7. Classified Personnel - Any employee of the District who is employed in a position requiring no certification. In addition, full time students on part time basis, apprentices, and/or temporary positions are excluded from the Classified Service.

8. Contractor - Any employer having a Government contract with $10,000 or more, or any federally-assisted construction contract. The Ventura County Community College District is the federal [prime] contractor of the College District.
   a. Prime Contractor - the Ventura County Community College District is a prime contractor because it is a depository of non-construction Federal Government funds.

b. Prime Construction Contractor - the bidder who was awarded the construction contract by the Ventura County Community College District who is the owner of the federally-assisted funds allocated to it by the Federal Government.

9. Discrimination in Testing - The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected under Federal regulation of the Civil Rights Act of 1964 as amended, unless: (a) the test has been validated and evidences a high degree of utility and (b) the person giving or acting upon the results of the particular test can demonstrate that alternate suitable hiring, transfer, or promotion procedures are unavailable for use.

10. Equal Employment Opportunity - The equal treatment extended to all applicants and employees without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

11. a) Ethnic Minority Groups or Persons - Means Black, including Negro or Afro-American; Spanish-surnamed, including Mexican-American/Chicano, Latino, Puerto Rican or Cuban, Spanish or Portuguese; American Indian, including Aleuts or Eskimos; Asian, including Chinese, Filipino, Japanese, Malayans, Indonesians, Vietnamese or Indians; other non-Caucasians, including Samoans, Polynesians or Kanaka-Hawaiians.

b) Religious & Other Ethnic Groups - Are primarily, but not exclusively of, Eastern, Middle and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups. Guidelines for these groups are governed under Part 60-50 of the Code of Federal Regulation.

12. Executive Order 11246 - The presidential order issued by the President of the United States on September 24, 1965, relating to nondiscrimination in employment. It was amended by subsequent Executive Order 11375 relating to affirmative action programs, and sex discrimination in federal, public, or private employment. The Executive Order specifically forbids discrimination in employment on government contracts based on race, color, religion, sex, or national origin. Executive Orders have the full force and effect of law.

13. Federally-Assisted Construction Contract - Any agreement or notification thereof between a [prime] contractor for construction work which is paid for in whole or in part with funds obtained from the Federal Government or Federal agency pursuant to any Federal program involving a grant, construction contract, loan, insurance, or guarantee, under which the contractor participates in the construction work.

14. Goals - The anticipated levels of accomplishment planned by [a prime contractor or subcontractor] the Ventura County Community College District designed to rectify the deficiencies in the employment of women and ethnic minority persons.

Goals should be signficant, measurable and attainable, and reflect the community population proportions when demonstrably appropriate. Goals are not restrictive numerical ceilings and are legal. (For a definition of "quota" see p. 6, No. 19.)

15. Good Faith Effort - The Ventura County Community College District's level of performance and active/positive efforts in realizing the goals and timetables set forth in the recruitment and hiring of persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

16. Hourly Instruction - Instruction compensated for at an hourly rate.

17. Nondiscrimination - The elimination of all existing vestiges of institutional discriminatory acts and conditions with respect to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

18. Office of Instruction - The area involving certificated employees who are responsible for all teaching and/or primary supportive instructional services to teachers. The primary positions in the Office of Instruction include instructor, coordinator, department head, division chairman, and deans.

19. Quota - A rigid and restrictive numerical ceiling used in arriving at a timetable for a given racial, ethnic, religious or sex group. This is prohibited by law. (For a definition of "goal" see p. 5, No. 14.)

20. Regular Student Position - Is a continuing, semester-long appointment.

21. Revised Order No. 4 - Title 41 of the Code of Federal Regulations, Chapter 60-2 entitled "Affirmative Action Programs," which requires contractors with 50 or more employees to develop a written Affirmative Action Contract Compliance.

22. Revised Order No. 14 - Title 41 of the Code of Federal Regulations, Chapter 60-60 entitled "Contractor Evaluation Procedures for Nonconstruction Contractors," requires standardized contractor evaluation procedures for compliance agencies. This chapter also requires the development of a written affirmative action program. See Appendix D.

23. Student Personnel Services - Services provided for students in the areas of counseling, health, and activities.

24. Subcontractor - Any person, firm, or agency having a contract with a [prime] contractor or another subcontractor calling for construction, supplies, or services required for the performance of a contract.

25. Supervisor - a) Classified - any classified employee designated as such by the Personnel Commission of the Ventura County Community College District. b) Certificated - certificated supervisors are division & department chairman, coordinators and/or directors.

26. Test - The term means any paper-and-pencil or performance measure used as a basis for any employment decision in the area of classified staffing. It includes any objective, well-defined selection instrument, process or procedure that is formal, scored, or quantified, used as a basis for any selection decision. The term "test" is not restricted to paper and pencil tests since other selection procedures may present the same general problem of unfairly restricting job opportunities.

27. Test Validation - The process of determining whether or not the test or written examination measures what it purports to measure. Tests should meet the FEPC standards for validation including criterion-related validity, construct validity, content validity.

28. Timetable - A specific period of time set as the goal for the purpose of fully utilizing women and ethnic minority persons in the entire work force of the Ventura County Community College District.

29. Title VI - The title referring to "Nondiscrimination In Federally Assisted Programs" of the Civil Rights Act of 1964. (Public Law 88-352.) See Appendix G for excerpts.

30. Title VII - The title referring "To Promote Equal Employment Opportunity For American Workers" of the Civil Rights Act of 1964 as amended in 1972 by Public Law 92-261. See Appendix G for excerpts.

31. Underutilization - Is defined as having fewer ethnic minorities or women in a particular job classification than would reasonably be expected by their availability in the work force.

32. Ventura County Community College District - As defined in Section 20051 of the State Education Code, the term "community college district" means any district authorized by law to maintain a community college.

CHAPTER III

POLICY STATEMENTS, OBJECTIVES, TIMETABLES

A. Policy Statements

The Board of Trustees of the Ventura County Community College District shall, in subscribing to and promoting the principles of equal employment opportunity and fair employment practice, not discriminate against any person because of race, color, religion, sex, blood-relationship, age, birth, ancestry, or national origin. Accordingly, the following policies are hereby adopted:

1. The Board proclaims itself as an "equal opportunity employer" and shall implement an Affirmative Action Program consistent with the provisions of Executive Order 11246 as amended and all applicable laws relating to fair employment practices.

2. In carrying out the Board's employment policy, the objective of the administration and faculty is to recruit, employ, and retain a certificated staff which in its membership closely approximates the ethnic and sexual composition which exists in the population of the College District.

3. The Board is committed to an Affirmative Action Program as the best means of taking positive steps to implement equal employment opportunity. In implementing the objectives and goals or timetables of the District's Affirmative Action Program, the Board shall ensure that a quota is not maintained and that the selection process shall not result in reverse discrimination or preferential treatment.

4. The Board recognizes that in order to realize equality of employment opportunity within the District, active recruitment will be undertaken. Recruitment for all positions shall include provisions to ensure that no person is denied consideration because of race, color, religion, sex, blood-relationship, age, birth, ancestry, or national origin.

5. The Board shall adhere to the concept of equal pay for equal work and salaries shall be comparable to those persons with similar qualifications in similar positions.

6. The Board shall award contracts or subcontracts to eligible bidders, contractors, vendors or suppliers who incorporate in their bid

specifications the "Equal Opportunity Clause" prescribed by the Executive Order 11246 as amended and applicable federal laws and regulations relating to contract compliance.

7. The Board shall designate the Affirmative Action Officer as the Deputy to the Superintendent responsible to him on matters relating to the implementation of the District's Affirmative Action Program.

B. Objectives

1. The Affirmative Action Program shall be implemented through the use of the Affirmative Action Manual consistent with existing Federal and State legislation(s). The Program as outlined in this manual shall become an on-going process in all personnel and contractual activities of the District and its colleges. The Affirmative Action Officer of the District shall be responsible for coordination among the various offices of the District. Nothing in this paragraph is intended to preempt the responsibilities of the District offices.

2. The Affirmative Action Program shall be a full-time, district-wide commitment. It shall be the responsibility of the Superintendent that the District Affirmative Action Officer provide support to the District and colleges' staff in implementing and resolving problems relating to affirmative action.

3. An active Affirmative Action Program requires updating and analysis of data on the community, students, and staff. An annual report and review including recommendations for appropriate changes consistent with existing laws and regulations will be an integral part of the Affirmative Action Program of the District.

C. Timetables

The attached exhibits are a plan of action for the District to achieve the goals of affirmative action. As the exhibits indicate, it is the intention of the District to achieve a balance in its ethnic staffing at all levels by 1998-1999 based on the ethnic proportions of the community as it will exist at that time. Further, it is the intention of the District to achieve sexual balance at all levels by 2003-4 based on the sexual proportions of the community as it will exist in the 21st Century. Exhibits [1A, 1B, 1C] are attached as Appendix A of this Manual. The District will exert every good faith efforts in achieving these goals. Revisions will be made as conditions change.

CHAPTER I V

DUTIES AND RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER

The District Superintendent is charged by the District Board of Trustees with responsibility for the operation of the District's Affirmative Action Program. To assist in the execution of its program, the District Board creates the position of Affirmative Action Officer. Duties and responsibilities are as follows:

1. Serve as the Superintendent's official assistant in the development, implementation and maintenance of the District's affirmative action program.

2. Represent the Superintendent in committees on matters relating to affirmative action.

3. Study assigned problems and suggest solutions in such a manner that the Superintendent will, with a minimum of inquiry, be able to indicate approval or disapproval of the suggested solution(s).

4. Use available District sources in reviewing the qualification(s) of all employees with particular emphasis upon ethnic minority persons and women as they relate to fair employment practice.

5. Develop and update goals and timetables so as to effect positive action toward correction of identifiable deficiencies.

6. Assume responsibility for the revision of the Affirmative Action Manual as the need for such change is identified.

7. Advise the campuses and District regarding programs of recruitment for all personnel including ethnic minorities and women for those classified and certificated positions that may be falling short of goals.

8. Assume, in cooperation with appropriate personnel, the role of contract compliance officer on behalf of the District to the extent required by applicable Federal and State laws.

9. Review, in cooperation with appropriate personnel, job announcements, job specifications and other job statements to ensure compliance with all affirmative action requirements.

10. Advise and assist College and District administrators of the nature, purpose and intent of laws, executive orders, policies, regulations, prepare memoranda, instructions and reports necessary for the implementation of the District's Affirmative Action Program.

11. Assist, in cooperation with College and District administrators, in the investigation of formal complaints of alleged discrimination relating to fair employment practices and recommend corrective measures to the Superintendent.

12. Maintain liaison with County, State and Federal agencies, as well as organizations concerned with the promotion of fair employment practice.

13. Represent the District at meetings, conferences, and other gatherings pertaining to affirmative action programs as approved by the Superintendent.

14. Work with appropriate individuals and agencies in ascertaining current population characteristics data for the District.

15. Compile an annual report to the Superintendent and Board on the progress of the District's Affirmative Action Program.

16. Assume other responsibilities and perform other duties as assigned by the Superintendent.

CHAPTER V

PROCEDURAL IMPLEMENTATION RELATING TO PERSONNEL PRACTICES

A. Classified

1. Recruitment

SPECIFIC OBJECTIVE: In carrying out the recruitment process, no qualified person shall be denied consideration of employment because of race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

PRACTICAL IMPLEMENTATION: The District will examine its recruitment processes to determine whether any discriminatory practices exist and move to correct all such practices in accordance with Federal and State laws. To ensure equal employment opportunity, promotional examinations may be open to all qualified employees and to all qualified applicants at the discretion of the Personnel Commission.

Various channels of recruitment will be considered in developing a non-discriminatory applicant pool. They are attached to this Manual as Appendix B. For Sources of Women and Ethnic Minority Candidates, see Appendix C.

All recruiting announcements must carry the statement "An Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular ethnic minority group or sex will be considered.

2. Selection/Hiring

SPECIFIC OBJECTIVE: It shall be the objective of the District to hire classified personnel from its nondiscriminatory applicant eligibility list in conformance with its Affirmative Action goal of providing equal employment opportunity. Appointments will be made in accordance with the current rules and regulations of the Ventura County Community College District's Classified Service providing they are consistent with the goals of Affirmative Action. (See Classified Employees' Handbook.)

PRACTICAL IMPLEMENTATION: The nondiscrimination requirements of the Affirmative Action program apply to all persons; no person may be denied employment or related benefits on the grounds of race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

The eligibility lists must be set up in such a way that there is nondiscrimination with regard to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin. In all cases, standards and criteria for the classified vacancies available should be made reasonably explicit and accessible to all employees and applicants. Such standards may not draw a distinction based on race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin nor may they be applied inconsistently to deny equality of opportunity.

Hiring decisions and/or offers of employment may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her race or sex.

When oral panels are used their memberships should be comprised of representatives who are technically qualified in the specified occupational area. The appointing authority as well as the oral committee will be specifically informed regarding the District's affirmative action program.

A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

3. Training, Upgrading, and Promotion

SPECIFIC OBJECTIVE: It shall be the objective of the District to provide programs to upgrade the skills of all employees, including women and ethnic minority persons, in an effort to eliminate discrimination and ensure equal opportunity in promotion. In addition, in-service training for all employees, particularly supervisors, on the goals of Affirmative Action shall be instituted.

PRACTICAL IMPLEMENTATION: The District will make special effort to ensure that all meritorious employees in its classified work force are given equal opportunity for promotion.

4. Anti-Nepotism Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family and which have an adverse impact upon one sex or another in employment.

PRACTICAL IMPLEMENTATION: The District shall review its practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

In addition, it will review its current practices to ensure that it has set reasonable restrictions on an individual's capacity to function as a judge or advocate in specific situations involving a member of his or her family. These restrictions must not have an effect of denying equal employment opportunities to one sex over the other. Staff members should neither initiate nor participate in institutional decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families, including persons residing within their household; neither should a District employee exercise direct supervision over another person who is related by blood or kinship.

5. Placement, Job Classification, and Assignment

SPECIFIC OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal opportunity for all, including ethnic minority persons and women.

PRACTICAL IMPLEMENTATION: The District shall conduct an inventory of all classified job clusters to identify areas of "underutilization" of women and ethnic minority persons. Once completed, the personal data should be coded and controlled in strict confidence so that access is limited to only those who need to know and are involved in administering and reviewing the Affirmative Action program and its goals. Summary data shall be made public.

Race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin shall not be the basis for differentiating among job classifications nor shall any particular job classification be assigned to any particular group identified by race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

6. Termination and Layoff

SPECIFIC OBJECTIVE: Seniority rule will be applied in cases of termination or layoff unless the District is legally enjoined to follow other prescribed procedures.

PRACTICAL IMPLEMENTATION: Seniority is an acceptable standard for termination with one exception: where an incumbent has been found to have been the victim of discrimination and as a result has less actual seniority that he or she would have had but for such discrimination; either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination. Whenever such discrimination is charged as having denied an employee of his rightful seniority it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule. Action to terminate employees shall be based solely on their performance on the job or a reduction in force.

7. Conditions of Work, Rights and Benefits, Salary, Leave Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary and leave policies are nondiscriminatory.

PRACTICAL IMPLEMENTATION: The District will review existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure nondiscriminatory practices.

The District shall set forth with reasonable particularity criteria for determining salary for each job classification and within each job classification. These criteria shall be made available to all present and potential employees.

B. Certificated

1. Recruitment

SPECIFIC OBJECTIVE: In carrying out the recruitment process no qualified person shall be denied consideration for employment because of race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

PRACTICAL IMPLEMENTATION: The District will examine its recruitment and hiring processes to determine where discriminatory practices exist and move to correct all such practices in accordance with Federal and State laws. Where such an examination reveals that ethnic minority persons and women have been underutilized because of discriminatory practices, every good faith effort will be undertaken to ensure equal employment opportunity.

Various channels of recruitment will be considered in developing a nondiscriminatory applicant pool. They are attached to this Manual as Appendix C. List of organizations is also given.

All recruitment announcements must carry the statement "Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular ethnic minority group or sex will be considered.

All full time administrative vacancies requiring an administrative or supervisory credential will be open to all applicants, and will not be confined to personnel within the district. Job descriptions for such vacancies will include minimum education requirements, professional training related to the area for which application is made, prior college teaching and administrative experience, and comparable work experience.

2. Selection/Hiring

SPECIFIC OBJECTIVE: It shall be the objective of the District to hire certificated personnel from its nondiscriminatory applicant pool in conformance

with its Affirmative Action goal of providing equal employment opportunity.

PRACTICAL IMPLEMENTATION: Affirmative Action goals are to be sought through recruitment and hiring for vacancies created by normal growth and attrition in existing positions. Hiring decisions may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her race or sex.

When oral panels are used their memberships should be comprised of representatives who are technically qualified in the specified occupational area. The appointing authority as well as the oral committee will be specifically informed regarding the District's affirmative action program.

A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

3. Training, Upgrading, and Promotion

SPECIFIC OBJECTIVE: The District will make special effort to ensure that all meritorious employees in its certificated staff are given equal employment opportunity for in-service training, promotion and/or advancement.

PRACTICAL IMPLEMENTATION: The District will make special effort to ensure that, together with all meritorious employees, ethnic minority persons and women in its work force are given equal opportunity. This result may be achieved through career counseling and evaluation that result in professional in-service education. A career counseling program may be designed to assist any employee, including a woman or an ethnic minority person to prepare himself/herself for an administrative opportunity.

4. Anti-Nepotism Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family and which have an adverse impact upon one sex or another in employment.

PRACTICAL IMPLEMENTATION: The District shall review its current practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

In addition, it will review its current practices to ensure that it has set reasonable restrictions on an individual's capacity to function as a judge or

advocate in specific situations involving a member of his or her family. These restrictions must not have the effect of denying equal employment opportunities to one sex over the other. Staff members shall neither initiate nor participate in institutional decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families, including persons residing within their household; neither should a District employee exercise direct supervision over another person who is related by blood or kinship.

5. Placement, Job Classification, and Assignment

SPECIFIC OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal employment opportunity for all.

PRACTICAL IMPLEMENTATION: The District will conduct an inventory to identify "underutilization" of women and ethnic minority persons in its certificated staff. Once completed summary data will be made public.

Race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin shall not be the basis for differentiating among job classifications nor shall any particular job classification be assigned to any particular group identified by race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin.

6. Termination and Layoff

SPECIFIC OBJECTIVE: Seniority will be applied in cases of termination or layoff unless the District is legally enjoined to follow other procedures.

PRACTICAL IMPLEMENTATION: Seniority is an acceptable standard for termination with one exception: where an incumbent has been found to have been the victim of discrimination and as a result has less actual seniority that he or she would have have but for such discrimination; either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination. Whenever such discrimination is charged as having denied an employee of his rightful seniority it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule. Action to terminate employees shall be based solely on their performance on the job or a reduction in force.

7. Conditions of Work, Rights and Benefits, Salary, Leave Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary and leave policies are nondiscriminatory.

PRACTICAL IMPLEMENTATION: The District shall review existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure nondiscriminatory practices.

The District shall set forth with reasonable particularity criteria for determining salary for each job classification and within each job classification. These criteria shall be made available to all present and potential employees.

C. Student

The goals and objectives of the Affirmative Action Program of the District will be extended to all qualified students seeking employment, including women and ethnic minority persons, to ensure equal employment opportunity. See Appendix A (1C).

CHAPTER V I

CONTRACT COMPLIANCE GUIDELINES FOR CONTRACTORS

The contract compliance policy of the Ventura County Community College District encompasses three areas: (1) Federal funds; (2) State funds; (3) District funds.

A. Federal Funds

1. Guide to District Policy

The Ventura County Community College District is governed by Executive Order 11246, as amended, and other applicable regulations issued pursuant to said Order providing for the implementation of the Equal Opportunity Clause. Therefore, as an equal employment opportunity employer, the Ventura County Community College District requires that all of its prospective contractors or bidders comply with the intent of the "Equal Opportunity Clause" set forth in HEW-514 (4/69). Non-construction contractors or vendors of the District, including the Ventura County Community College District, will be expected to evaluate their procedures by using the form "Contractor Evaluation Checklist" prescribed by the Federal Government under Revised Order No. 14, as of May 21, 1973. (See Appendix D.)

2. Goals and Standards

The goals and standards required shall be those set forth in the documents referred to above.

3. Invitation or Solicitation of Bids

As a result of the Ventura County Community College District's being an equal opportunity employer, the District requires all contractors to include the "Equal Opportunity Clause" in all solicitations or invitations for bids.

4. Post-Award Compliance

The District will discharge its responsibilities as required by law relating to fair employment practices as these apply to contractors, suppliers and others doing business with the District. Appendix E will be made a part of all contracts where applicable.

5. Good Faith Criteria

a. The District shall provide the contractor every opportunity to show that every good faith effort to meet the stated goals of utilization of women and ethnic minority persons has been exerted. The following criteria are suggested for use by contractors, vendors, or suppliers in measuring their good faith efforts:

i. Notify community organizations that employment opportunities are available;

ii. Maintain a file of referrals;

iii. Disseminate and publicize contractor's Equal Employment Opportunity policy;

iv. Recruit from county ethnic minority organizations, community action groups, schools with ethnic minority students, women's groups, etc.;

v. Ensure that all company facilities and activities are integrated;

vi. And other procedures which will ensure equal employment opportunity.

b. The District will make such assessment of compliance as are required by law.

6. Subcontractors

It should be the responsibility of the prime contractor to see that the Affirmative Action Plan for equal employment opportunity is met by all subcontractors.

B. State Funds

All State construction funding of at least ten thousand dollars ($10,000) shall be subject to the same provisions contained in the Affirmative Action program required for the use of Federal funds.

C. District Funds

All District construction funding of at least ten thousand dollars ($10,000) shall be subject to the same provisions contained in the Affirmative Action program required for the use of Federal funds.

APPENDIX B

SUGGESTED CHANNELS OF RECRUITMENT

A. Classified

1. Advertisements in appropriate journals and job registries;
2. Unsolicited applications or inquiries;
3. Persons engaged in similar positions;
4. Persons listed in relevant union files, state agencies, registries, data banks, including those which have made a particular effort to locate persons without regard to race, color, religion, sex, age, or national origin;
5. Local men's, women's, and ethnic minority organizations;
6. Newspaper and radio advertising in those newspapers and radio stations which have local and regional coverage;
7. All other sources.

B. Students

1. Advertisements in student newspapers;
2. Unsolicited applications or inquiries;
3. Approved college women's and ethnic minority organizations such as MEChA, BSU, Associated Women Students, etc.;
4. Other recruitment sources as appropriate.

APPENDIX C

SUGGESTED CHANNELS OF RECRUITMENT

A. Certificated

1. Advertisements in appropriate professional journals and job registries;
2. Unsolicited applications or inquiries;
3. Teachers at predominantly women's colleges, teachers at predominantly ethnic minority colleges;
4. Persons professionally engaged in nonacademic positions, such as industry, government, law firms, hospitals;
5. Professionals working at independent research institutions and libraries;
6. Professionals who have received significant grants or professional recognition;
7. Professionals already at the District and elsewhere working in research or other capacities not on the academic ladder;
8. Doctoral recipients who are not presently using their professional training;
9. Candidates for graduate degrees who show promise of outstanding achievement;
10. Professionals listed in relevant professional files, registries and data banks, including those which have made a particularly conscientious effort to locate all professionals without regard to race, color, religion, sex, age or national origin;
11. Local men's, women's and ethnic minority organizations;
12. Local professional organizations;
13 And newspaper advertising in those newspapers having local and state wide circulation.

SUGGESTED SOURCES FOR WOMEN AND ETHNIC MINORITY CANDIDATES

	Organization	Address	City
1.	L. A. City Schools (Attn: Mr. Juellen Maxique)	644 West 17th Street	Los Angeles, CA 90015
2.	A. M. A. E.	515 Cooper Road	Oxnard, CA 93030
3.	Delta Kappa Gamma	No address available	Ventura, CA 93003
4.	La Raza Faculty Assn.	3835 Freeport Boulevard	Sacramento, CA 95822
5.	M. E. C. H. A.	4667 Telegraph Road	Ventura, CA 93003
6.	Ojai Mexican Fiesta	4011 Thacher Road	Ojai, CA 93023
7.	California National Guard (Attn: Capt. A. R. Murguia)	351 South "K" Street	Oxnard, CA 93030

	Organization	Address	City
8.	Chicano Studies Department	Cal-State University Northridge	Northridge, CA 91364
	Community Service Organization (CSO)	1221 E. Santa Paula 428 North Grant	Santa Paula, CA 93060 Oxnard, CA 93030
10.	KOXR Radio Station	1280 South Oxnard Blvd.	Oxnard, CA 93030
11.	Mexican American Civic Organization (MACO) (Attn: Ms. De La Torre, secretary)	P. O. Box 2	Santa Paula, CA 93060
12.	Mexican-American Opportunity Foundation (MAOF)	506 East Cooper Road	Oxnard, CA 93030
13.	National Association for the Advancement of Colored People (NAACP)	130 Colonia Road	Oxnard, CA 93030
14.	Neighborhood Youth Corp (NYC)	419 Cooper Road	Oxnard, CA 93030
15.	La Voz De Pueblo	515 Cooper Road	Oxnard, CA 93030
16.	Philippine News	2045 Lawton Street	San Francisco, CA
17.	The Peninsula Bulletin	2332 University Avenue	East Palo Alto, CA 94303
18.	Human Resources Dept.	1960 North "C" Street	Oxnard, CA 93030
19.	League of Women Voters	78 West Loop Drive	Camarillo, CA 93010
20.	American Association of University Women		
	Chapter		
	Ventura	Mrs. Pat Zebker 376 Shamrock	Ventura, CA 93003
	Oxnard	Mrs. Frances Rugen 352 North "G" Street Apt. A	Oxnard, CA 93030
	Camarillo	Mrs. Peggy J. Bryant 936 Amber Drive	Camarillo, CA 93010
	Simi Valley	Mrs. Mary Martin 1059 Tuttle	Simi Valley, CA 93065
	Thousand Oaks	Mrs. Barbara Gilmore 2909 Raleigh Place	Thousand Oaks, CA 91360

APPENDIX E

STATEMENT REQUIRED OF DISTRICT CONTRACTORS UNDER SECTION 1735 OF THE CALIFORNIA LABOR CODE

(This statement shall form part of the contract)

Pursuant to section 1735 of the Labor Code of the State of California, the Contractor or his subcontractors shall not discriminate in the employment of any person because of race, color, or religion of such person. The parties hereto agree that should such discrimination occur during the performance of this contract, the First Party is injured in that it is required to expend public funds on a project which was executed in a manner contrary to the laws of the State of California. The amount of injury suffered by First Party through such discrimination is difficult or impossible to calculate, and therefore should the contractor or any of his subcontractors discriminate in the employment of any person because of race, color, or religion, there shall be deducted from the contractor's final payment the sum of $ 25.00 for each act of discrimination. A finding of discrimination by the Fair Employment Practice Commission shall constitute a finding by the First Party that this condition against discrimination has been breached.

APPENDIX F[1]

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT

MINORITY ADVISORY COMMITTEE CHARGE

September 16, 1969

1. The Advisory Committee on Minority Problems will attempt to assess and improve educational opportunities for minorities by receiving their communications; considering the communications; and relaying them in the form of observations, suggestions, and recommendations.

2. In the area of minority educational needs, this committee will serve as the District advisory group and will act as listeners and reflectors, both of what is heard and as to what is the best procedure to follow; as recommenders as to best solutions; and as evaluators of the outcomes which are achieved as a result of their recommendations.

3. This committee is appointed for the purpose of finding facts, making recommendations, and evaluating outcomes. It will make its recommendations to the Superintendent for consideration and referral for action and will make periodic reports to the Board of Trustees as developments warrant it.

4. Committee members are appointed for one-year terms and are eligible for reappointment.

UNIVERSITY OF CALIF.
LOS ANGELES

JAN 18 1974

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INFORMATION

APPENDIX F2

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT

WOMEN'S ADVISORY COMMITTEE CHARGE

May 16, 1972

1. The Advisory Committee on the Status of Women will attempt to assess and improve educational, vocational, and professional opportunities and services for women.

2. The Committee will recommend means of eliminating any and all forms of discrimination based on sex which may operate in this District.

3. This Committee is appointed for the purpose of finding facts, making recommendations, and evaluating outcomes. It will make its recommendations to the Presidents as appropriate and to the Superintendent for consideration and referral for District action.. It will make periodic reports to the Board of Trustees as developments warrant.

4. Committee members are appointed for one-year terms and are eligible for reappoint[illegible].